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6 Attorneys for Plaintiff
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7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 CLAUDIA JOHNSON, on behalf
of herself and all others similarly
12 situated,

13 Plaintiff,

14 vs.

15 WELLS FARGO DEALER
SERVICES, INC., formerly known
16 as WACHOVIA DEALER
SERVICES, INC.
17

18 Defendant.

CASE NO. CV 11-03590 PA (JCx)

CLASS ACTION COMPLAINT
FOR DAMAGES AND
INJUNCTIVE RELIEF PURSUANT
TO THE TELEPHONE
CONSUMER PROTECTION ACT,
47 U.S.C. § 227 ET SEQ.

CLASS ACTION
JURY TRIAL DEMANDED

FILED
2011 APR 26 PM 4:13
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA
BY _____

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CLASS ACTION COMPLAINT FOR VIOLATIONS OF THE TELEPHONE
CONSUMER PROTECTION ACT.

1 Claudia Johnson ("Plaintiff"), individually and on behalf of all others
 2 similarly situated, alleges on personal knowledge, investigation of counsel, and on
 3 information and belief as follows:

4 **INTRODUCTION AND NATURE OF ACTION**

5 1. Plaintiff, individually and on behalf of all others similarly situated,
 6 brings this action for statutory damages, injunctive relief and any other available
 7 legal or equitable remedies, resulting from the illegal actions of Wells Fargo Dealer
 8 Services, Inc. ("Defendant"), formerly Wachovia Dealer Services, Inc., in
 9 negligently and/or willfully placing or having calls placed to Plaintiff on her
 10 cellular telephone without her prior express consent and not for emergency
 11 purposes (sometimes referred to herein as "Prohibited Calls"), in violation of the
 12 Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq., ("TCPA").

13 2. In 1991, Congress enacted the TCPA in an effort to combat the
 14 invasion of privacy faced by everyday Americans who received unwanted calls. In
 15 relevant part, the TCPA prohibits the use of an automatic telephone dialing system
 16 to call any telephone number assigned to a cellular telephone service absent an
 17 emergency purpose or the "prior express consent" of the called party. The Federal
 18 Communication Commission ("FCC"), the agency empowered to implement the
 19 TCPA, mandates that "the burden will be on the creditor to show it obtained the
 20 necessary prior express consent."¹

21 **JURISDICTION AND VENUE**

22 3. This Court has jurisdiction under the Class Action Fairness Act of
 23 2005 because Plaintiff seeks up to \$1,500 in statutory damages for each of the
 24 hundreds of calls that were placed to her cellular phone in violation of the TCPA,
 25 which, when aggregated among a proposed classes exceeds \$5,000,000.
 26 Additionally, Plaintiff is a citizen of Texas and Defendant is a citizen of California.

27 ¹ In the Matter of Rules and Regulations Implementing the Telephone Consumer
 28 Protection Act of 1991, 23 F.C.C.R. 559, at ¶10 (2008).

1 Plaintiff also seeks to represent numerous class members, who are citizens of
2 various other States.

3 4. Venue is proper in the United States District Court for the Central
4 District of California pursuant to 28 U.S.C. § 1391 because Defendant is a
5 California corporation and, therefore, resides in California.

6 **PARTIES**

7 5. Plaintiff is, and at all times mentioned herein was, an individual
8 citizen of the State of Texas, and resident of Tarrant County. Plaintiff is, and at all
9 times mentioned herein was, a "person" as defined by 47 U.S.C. § 153(32).

10 6. Defendant is, and at all times mentioned herein was, a national
11 automobile consumer lender and a California corporation. Defendant's principal
12 place of business is 23 Pasteur, Irvine, California 92613. Defendant does business
13 throughout the country, including this District. Defendant is, and at all times
14 mentioned herein was, a "person," as defined by 47 U.S.C. § 153(32).

15 7. Defendant is the successor to Wachovia Dealer Services, Inc., a
16 subsidiary of Wachovia Corporation. Wachovia Corporation, the parent
17 corporation of Wachovia Dealer Services, Inc., merged with Defendant's parent
18 company (Wells Fargo & Company) pursuant to a definitive merger agreement,
19 which closed on December 31, 2008. Subsequent to the closing of the merger,
20 Wachovia Dealer Services, Inc. changed its name to Wells Fargo Dealer Services,
21 Inc. Defendant is the continuation of Wachovia Dealer Services, Inc., occupies the
22 same offices, including 23 Pasteur, Irvine, California 92613 and employs
23 substantially similar debt collection practices previously employed by Wachovia
24 Dealer Services, Inc., including use of automatic telephone dialing systems. As its
25 successor, Defendant is liable for all actions of Wachovia Dealer Services, Inc. and
26 the term "Defendant" encompasses both Wells Fargo Dealer Services, Inc. and
27 Wachovia Dealer Services, Inc.
28

PLAINTIFF'S FACTUAL ALLEGATIONS

8. Defendant has placed numerous Prohibited Calls to Plaintiff's cellular phone. The FCC has mandated: "[a] creditor on whose behalf an autodialed or prerecorded message call is made to a wireless number bears the responsibility for any violation of the Commission's rules. Calls placed by a third party collector on behalf of that creditor are treated as if the creditor itself placed the call."² Thus, Defendant is liable for the Prohibited Calls placed by any third party seeking debt collection for Defendant's accounts. Additionally, Defendant is liable for Prohibited Calls it has placed directly.

9. These Prohibited Calls were placed by Defendant starting in approximately early 2010 and continued thereafter.

10. During these Prohibited Calls, Defendant used an "automatic telephone dialing system and/or an artificial or prerecorded voice" as prohibited by 47 U.S.C. § 227(b)(1)(A). Some of these Prohibited Calls played a prerecorded message. Other calls had a delay prior to a live person speaking to Plaintiff, indicating that the calls were placed by an automatic telephone dialing system.

11. These calls were for the purpose of collecting debt and were not for emergency purposes.

12. Plaintiff has incurred charges for these Prohibited Calls.³

13. Plaintiff does not have any loans with Defendant and the Prohibited Calls are being placed for a loan owed by Plaintiff's husband.

14. Plaintiff did not co-sign or guarantee her husband's loan in any manner whatsoever. Plaintiff has not provided her cellular phone number to Defendant or signed any paper work relating to her husband's loan.

15. Defendant obtained Plaintiff's cellular phone number because she was listed as a reference for her husband's loan or through the skip-tracing process used

² Id.

³ The FCC has made clear that "wireless customers are charged for incoming calls whether they pay in advance or after the minutes are used." Id. ¶ 7.

1 by debt collectors to independently locate telephone numbers of debtors' family
2 members.

3 16. Plaintiff did not provide "prior express consent" to receive the
4 Prohibited Calls on her cellular telephone as set forth in 47 U.S.C. § 227(b)(1)(A).

5 17. These Prohibited Calls placed by Defendant were in violation of 47
6 U.S.C. § 227(b)(1).

7 **CLASS ACTION ALLEGATIONS**

8 18. Plaintiff brings this action on behalf of herself and on behalf of all
9 others similarly situated (the "Consent Class"), as follows:

10 All persons within the United States to whom Defendant(s) has
11 placed a call to said person's cellular telephone (without their
12 prior express consent and not for emergency purposes) through
13 the use of an automatic telephone dialing system or an artificial
14 or prerecorded voice, within the four years prior to the filing of
15 this Complaint.

16 19. Plaintiff also brings this action on behalf of herself and on behalf of
17 all others similarly situated (the "Reference Class"), as follows:

18 All persons within the United States to whom Defendant has
19 placed a call to said person's cellular telephone through the use
20 of an automatic telephone dialing system or an artificial or
21 prerecorded voice, within the four years prior to the filing of
22 this Complaint, where such person does not have any debtor-
23 creditor relationship with the Defendant (i.e., the recipient of
24 Defendant's call is a reference, family member of the debtor or
25 the like).

26 20. Plaintiff also brings this action on behalf of herself and on behalf of
27 all others similarly situated (the "Skip-Tracing Class"), as follows:
28

1 All persons within the United States to whom Defendant has
2 placed a call to said person's cellular telephone through the use
3 of an automatic telephone dialing system or an artificial or
4 prerecorded voice, within the four years prior to the filing of
5 this Complaint, where such person's cellular phone number was
6 obtained by Defendant through skip tracing (i.e., Defendant
7 independently obtained the cellular phone number from sources
8 other than the called party or the creditor).

9 21. Defendant, its employees and other agents, the Judge to whom this
10 action is assigned and any members of the Judge's staff, and claims for personal
11 injury, wrongful death and/or emotional distress are excluded from the classes.
12 Plaintiff reserves the right to amend the definitions of the classes as facts are
13 learned through further investigation and discovery.

14 22. Plaintiff does not know the number of members in the Consent Class,
15 Reference Class and Skip-Tracing Class (together, the "Classes") but believes,
16 based on Defendant's market share and investigation of counsel, that the number is
17 in the thousands, if not substantially higher for each of the Classes. Thus, joinder
18 of all members of each class is impractical due to the size of each class and
19 relatively small value of each member's claim.

20 23. The Internet is replete with discussions between numerous members
21 of the Classes desperate to end Defendant's Prohibited Calls. The following is a
22 sampling, evidencing Defendant's egregious violations of the TCPA, the invasion
23 of privacy suffered by members of the Classes, the numerosity of the Classes'
24 members, the commonality of the issues and the typicality of Plaintiff as a
25 representative for the Classes:

PLAINTIFF'S FACTUAL ALLEGATIONS

8. Defendant has placed numerous Prohibited Calls to Plaintiff's cellular phone. The FCC has mandated: "[a] creditor on whose behalf an autodialed or prerecorded message call is made to a wireless number bears the responsibility for any violation of the Commission's rules. Calls placed by a third party collector on behalf of that creditor are treated as if the creditor itself placed the call."² Thus, Defendant is liable for the Prohibited Calls placed by any third party seeking debt collection for Defendant's accounts. Additionally, Defendant is liable for Prohibited Calls it has placed directly.

9. These Prohibited Calls were placed by Defendant starting in approximately early 2010 and continued thereafter.

10. During these Prohibited Calls, Defendant used an "automatic telephone dialing system and/or an artificial or prerecorded voice" as prohibited by 47 U.S.C. § 227(b)(1)(A). Some of these Prohibited Calls played a prerecorded message. Other calls had a delay prior to a live person speaking to Plaintiff, indicating that the calls were placed by an automatic telephone dialing system.

11. These calls were for the purpose of collecting debt and were not for emergency purposes.

12. Plaintiff has incurred charges for these Prohibited Calls.³

13. Plaintiff does not have any loans with Defendant and the Prohibited Calls are being placed for a loan owed by Plaintiff's husband.

14. Plaintiff did not co-sign or guarantee her husband's loan in any manner whatsoever. Plaintiff has not provided her cellular phone number to Defendant or signed any paper work relating to her husband's loan.

15. Defendant obtained Plaintiff's cellular phone number because she was listed as a reference for her husband's loan or through the skip-tracing process used

² Id.

³ The FCC has made clear that "wireless customers are charged for incoming calls whether they pay in advance or after the minutes are used." Id. ¶ 7.

1 by debt collectors to independently locate telephone numbers of debtors' family
2 members.

3 16. Plaintiff did not provide "prior express consent" to receive the
4 Prohibited Calls on her cellular telephone as set forth in 47 U.S.C. § 227(b)(1)(A).

5 17. These Prohibited Calls placed by Defendant were in violation of 47
6 U.S.C. § 227(b)(1).

7 **CLASS ACTION ALLEGATIONS**

8 18. Plaintiff brings this action on behalf of herself and on behalf of all
9 others similarly situated (the "Consent Class"), as follows:

10 All persons within the United States to whom Defendant(s) has
11 placed a call to said person's cellular telephone (without their
12 prior express consent and not for emergency purposes) through
13 the use of an automatic telephone dialing system or an artificial
14 or prerecorded voice, within the four years prior to the filing of
15 this Complaint.

16 19. Plaintiff also brings this action on behalf of herself and on behalf of
17 all others similarly situated (the "Reference Class"), as follows:

18 All persons within the United States to whom Defendant has
19 placed a call to said person's cellular telephone through the use
20 of an automatic telephone dialing system or an artificial or
21 prerecorded voice, within the four years prior to the filing of
22 this Complaint, where such person does not have any debtor-
23 creditor relationship with the Defendant (*i.e.*, the recipient of
24 Defendant's call is a reference, family member of the debtor or
25 the like).

26 20. Plaintiff also brings this action on behalf of herself and on behalf of
27 all others similarly situated (the "Skip-Tracing Class"), as follows:
28

1 All persons within the United States to whom Defendant has
2 placed a call to said person's cellular telephone through the use
3 of an automatic telephone dialing system or an artificial or
4 prerecorded voice, within the four years prior to the filing of
5 this Complaint, where such person's cellular phone number was
6 obtained by Defendant through skip tracing (i.e., Defendant
7 independently obtained the cellular phone number from sources
8 other than the called party or the creditor).

9 21. Defendant, its employees and other agents, the Judge to whom this
10 action is assigned and any members of the Judge's staff, and claims for personal
11 injury, wrongful death and/or emotional distress are excluded from the classes.
12 Plaintiff reserves the right to amend the definitions of the classes as facts are
13 learned through further investigation and discovery.

14 22. Plaintiff does not know the number of members in the Consent Class,
15 Reference Class and Skip-Tracing Class (together, the "Classes") but believes,
16 based on Defendant's market share and investigation of counsel, that the number is
17 in the thousands, if not substantially higher for each of the Classes. Thus, joinder
18 of all members of each class is impractical due to the size of each class and
19 relatively small value of each member's claim.

20 23. The Internet is replete with discussions between numerous members
21 of the Classes desperate to end Defendant's Prohibited Calls. The following is a
22 sampling, evidencing Defendant's egregious violations of the TCPA, the invasion
23 of privacy suffered by members of the Classes, the numerosity of the Classes'
24 members, the commonality of the issues and the typicality of Plaintiff as a
25 representative for the Classes:

1 "Beth

2 9 Nov 2010

3 Wells Fargo Dealer Services calls incessantly. I was listed as a reference for
4 someone."

5 Available at, <http://800notes.com/Phone.aspx/1-800-289-8004/7> (accessed on
6 April 25, 2011).

7 "Bob

8 4 Mar 2011

9 Have asked this company several times to stop calling me and they keep
10 calling. I never had an account with them. There should be a way to file
11 harrassment charges against them."

12 Available at, <http://800notes.com/Phone.aspx/1-800-289-8004/7> (accessed on
13 April 25, 2011).

14 "tired

15 11 Mar 2011

16 Tired of these phone calls. I have no dealings with WFS financial or
17 Wachovia Dealer Services."

18 Available at, <http://800notes.com/Phone.aspx/1-800-289-8004/7> (accessed on
19 April 25, 2011).

20 "lori

21 11 Nov 2009

22 these [expletive] call me telling me that wendy dejo had me as a reference
23 me and my husband ask me to for my info and account with i have no
24 account with then , i have bank account with wachovia but not then , i have
25 no idea who WENDY DEJO is. this is a scan."

26 Available at, <http://whocallsme.com/Phone-Number.aspx/8002898004> (accessed
27 on April 25, 2011).

1 "g

2 8 Jun 2010

3 they just called me and left a message. a woman asking for gloria, saying
4 rodrigo gave her the number. no clue who those people are. everyone's
5 saying its wachovia..probably is, but i dont have any business with
6 wachovia either."

7 Available at, <http://whocallsme.com/Phone-Number.aspx/8002898004> (accessed
8 on April 25, 2011).

9 "Sara

10 19 Oct 2010

11 I got a call from this number as well. They were trying to contact my
12 Nanny from the summer who probably used me as a work reference when
13 purchasing her car. The man was very vague in what he wanted but wanted
14 me to tell him how to get in contact with her. I told him that I had not
15 spoken to her in months and that I was not sure how to get in touch with her
16 but that it was my cell number he was calling. This was also Wachovia
17 when I returned the call to see where they were calling from."

18 Available at, <http://800notes.com/Phone.aspx/1-913-905-6404> (accessed on April
19 25, 2011).

20 "Erick

21 18 Oct 2007

22 Didn't pick up, left an automated message. I didn't get the first part of the
23 message, it starts with them saying their office hours and then saying to call
24 Wachovia Auto or something like that (definitely Wachovia and something
25 car related). I've never done any business with Wachovia and my car has
26 been paid off for a year. They called my cell phone with an autodialer,
27 pretty sure that's illegal."

1 Available at, <http://800notes.com/Phone.aspx/1-949-753-1322> (accessed on April
2 25, 2011).

3 24. The members of the Consent Class, Reference Class and Skip-Tracing
4 Class share well defined and nearly identical questions of law and fact, which
5 predominate over questions that may affect individual members of the Classes.
6 These common questions of law and fact include:

7 a. Whether, within the four years prior to the filing of this Complaint,
8 Defendant has placed any calls (other than a call made for emergency
9 purposes or made with the prior express consent of the called party) using
10 any automatic telephone dialing system or an artificial or prerecorded voice
11 to any telephone number assigned to a cellular telephone service.

12 b. Whether, within the four years prior to the filing of this Complaint,
13 Defendant has placed any calls to persons' cellular phones, where such
14 persons do not have any debtor-creditor relationship with the Defendant (i.e.,
15 the recipient of Defendant's call is a reference, family member of the debtor
16 or the like).

17 c. Whether Defendant maintained procedures and/or practices regarding
18 calling persons because they are: (a) listed or otherwise used as a reference
19 by a debtor, (b) a family member or other relative of the debtor, (c) the
20 debtor's employer or co-worker, or (d) live with or near the debtor.

21 d. Whether, within the four years prior to the filing of this Complaint,
22 Defendant has placed any calls to any cellular phone numbers that
23 Defendant obtained through the use of skip tracing.

24 e. Whether Defendant maintained procedures and/or practices regarding
25 segregating telephone numbers obtained through skip tracing that are
26 cellular telephone numbers to ensure that such numbers are not called using
27 an automatic telephone dialing system or an artificial or prerecorded voice.

28 f. Whether Defendant's conduct was knowing and/or willful.

1 g. Whether Defendant can meet its burden of proving it had obtained
2 prior express consent for such calls to members of the Classes.

3 h. Whether Defendant should be enjoined from placing such calls in the
4 future.

5 25. Members of the Classes are ascertainable and can be identified
6 through Defendant's records. The contemplated notice to the Classes will be
7 refined through discovery but is likely to include a combination of mail, email,
8 publication, Internet notice and call centers.

9 26. Plaintiff and members of the Classes are entitled to statutory damages
10 as provided for under the TCPA.

11 27. As a person that received numerous calls using an automatic
12 telephone dialing system or an artificial or prerecorded voice: (1) without
13 Plaintiff's prior express consent; (2) as a person who never had an account with
14 Defendant; and (3) as a person who did not provide her cellular phone number to
15 Defendant, Plaintiff is asserting claims that are typical of the Classes.

16 28. Plaintiff will fairly and adequately represent and protect the interests
17 of the Consent Class, Reference Class and Skip-Tracing Class in that Plaintiff has
18 no interests antagonistic to any member of the Classes.

19 29. Plaintiff and the members of the Classes have all suffered harm as a
20 result of the Defendant's unlawful and wrongful conduct. Absent a class action,
21 members of the Classes will continue to face the potential for irreparable harm. In
22 addition, these violations of law will be allowed to proceed without remedy and
23 Defendant will likely continue such illegal conduct. Class-wide damages are
24 essential to induce Defendant to comply with federal law.

25 30. Because of the size of the individual class member's claims, few, if
26 any, class members could afford to seek legal redress for the wrongs complained of
27 herein.

28

1 31. Plaintiff has retained counsel experienced in handling class action
2 claims and claims involving violations of the TCPA.

3 32. A class action is a superior method for the fair and efficient
4 adjudication of this controversy.

5 33. Defendant has acted on grounds and refused to act on grounds
6 generally applicable to each of the Classes.

7 34. Based on the foregoing, Plaintiff respectfully requests certification of
8 the Classes pursuant to Federal Rule of Civil Procedure 23(b)(3). In the event that
9 individual issues predominate or notice to any one of the Classes cannot be
10 provided in accordance with the requirements of Rule 23(c)(2)(B), Plaintiff
11 respectfully requests that such class be certified pursuant to Rule 23(b)(2) for
12 injunctive relief and that notice be delivered as directed by the Court under Rule
13 23(b)(2)(A).

14 **FIRST CLAIM**

15 **(NEGLIGENT VIOLATIONS OF THE TCPA)**

16 35. Plaintiff incorporates by reference all of the above paragraphs of this
17 Complaint as though fully stated herein.

18 36. The forgoing acts and omissions of Defendant constitutes numerous
19 negligent violations of the TCPA, including but not limited to violations of 47
20 U.S.C. § 227(b)(1).

21 37. As a result of Defendant's negligent violations of 47 U.S.C. § 227,
22 Plaintiff and each of the members of the Classes are entitled to statutory damages
23 of \$500 for each and every Prohibited Call placed by Defendant, pursuant to 47
24 U.S.C. § 227(b)(3)(B).

25 38. Plaintiff and the members of the Classes are also entitled to and seek
26 injunctive relief prohibiting such conduct in the future.

SECOND CLAIM

(KNOWING AND/OR WILLFUL VIOLATIONS OF THE TCPA)

39. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

40. The foregoing acts and omissions of Defendant constitutes numerous knowing and/or willful violations of the TCPA, including but not limited to violations of 47 U.S.C. § 227(b)(1).

41. As a result of Defendant's knowing and/or willful violations of 47 U.S.C § 227, Plaintiff and each of the members of the Classes are entitled to treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

42. Plaintiff and the members of the Classes are also entitled to and seek injunctive relief prohibiting such conduct in the future.

PRAYER FOR RELIEF

43. Plaintiff respectfully requests the Court grant Plaintiff and the members of the Classes the following relief against Defendant:

a. An Order, pursuant to Federal Rule of Civil Procedure 23(c) and (g), certifying the proposed Classes and appointing Plaintiff's undersigned counsel of record to represent the Consent Class, Reference Class and Skip-Tracing Class.

b. An Order issuing an injunction, pursuant to 47 U.S.C. § 227(b)(3)(A), enjoining Defendant from placing any further Prohibited Calls to members of the Classes and complying with the TCPA.

c. As a result of Defendant's negligent violations of 47 U.S.C. § 227(b)(1), Plaintiff seeks for herself and each member of the Classes \$500 in statutory damages, for each Prohibited Call placed to members of the Classes, pursuant to 47 U.S.C. § 227(b)(3)(B).

1 d. As a result of Defendant's willful and/or knowing violations of 47
2 U.S.C. § 227(b)(1), Plaintiff seeks for herself and each member of the
3 Classes treble damages, as provided by statute, up to \$1,500 for each and
4 every Prohibited Call placed by Defendant, pursuant to 47 U.S.C. §
5 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

6 e. An award of attorneys' fees and costs to counsel.

7 f. Such other relief as the Court deems just and proper.

8 **TRIAL BY JURY**

9
10 44. Plaintiff demands a jury trial on all claims.

11 Dated: April 26, 2011

THE MATHEWS LAW GROUP

12 By: 
13

Charles T. Mathews

Attorneys for Plaintiff

CLAUDIA JOHNSON

THE MATHEWS LAW GROUP
 CHARLES T. MATHEWS (SBN 55889)
 GEORGE S. AZADIAN (SBN 253342)
 2596 Mission Street, Suite 204
 San Marino, California 91108

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

CLAUDIA JOHNSON, on behalf of herself and all
 others similarly situated,

PLAINTIFF(S)

v.

WELLS FARGO DEALER SERVICES, INC.,
 formerly known as WACHOVIA DEALER
 SERVICES, INC.

DEFENDANT(S).

CASE NUMBER

CV 11-03590 PA (JCx)

SUMMONS

TO: DEFENDANT(S): WELLS FARGO DEALER SERVICES, INC.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, CHARLES T. MATHEWS, whose address is 2596 Mission Street, Suite 204, San Marino, California 91108. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: April 26, 2011

By: _____

NANCY K BOEHME

Deputy Clerk

(Seal of the Court)



1191

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
 Claudia Johnson

DEFENDANTS
 Wells Fargo Dealer Services, Inc.
 23 Pasteur
 Irvine, California 92613

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
 THE MATHEWS LAW GROUP
 2596 Mission Street, Suite 204; San Marino CA 91108
 626-683-8291

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No

MONEY DEMANDED IN COMPLAINT: \$ \$1500/violation (over \$5,000,000)

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 28 U.S.C. 1332(d)

VII. NATURE OF SUIT (Place an X in one box only.)

- | | | | | | |
|--|--|---|--|--|---|
| <input type="checkbox"/> 400 State Reapportionment | <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 710 Fair Labor Standards Act |
| <input type="checkbox"/> 410 Antitrust | <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 520 Habeas Corpus | <input type="checkbox"/> 720 Labor/Mgmt. Relations |
| <input type="checkbox"/> 430 Banks and Banking | <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 530 General | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act |
| <input type="checkbox"/> 450 Commerce/IOC Rates/etc. | <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 330 Fed. Employers' Liability | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 740 Railway Labor Act |
| <input type="checkbox"/> 460 Deportation | <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 540 Mandamus/Other | <input type="checkbox"/> 790 Other Labor Litigation |
| <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations | <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act |
| <input type="checkbox"/> 480 Consumer Credit | <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 820 Copyrights |
| <input type="checkbox"/> 490 Cable/Sat TV | <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 830 Patent |
| <input type="checkbox"/> 810 Selective Service | <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 840 Trademark |
| <input type="checkbox"/> 850 Securities/Commodities/Exchange | <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 362 Personal Injury-Med Malpractice | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 861 HIA (1395ff) |
| <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 | <input type="checkbox"/> 195 Contract Product Liability | <input type="checkbox"/> 365 Personal Injury-Product Liability | <input type="checkbox"/> 445 American with Disabilities - Employment | <input type="checkbox"/> 630 Liquor Laws | <input type="checkbox"/> 862 Black Lung (923) |
| <input checked="" type="checkbox"/> 890 Other Statutory Actions | <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 446 American with Disabilities - Other | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) |
| <input type="checkbox"/> 891 Agricultural Act | <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 402 Naturalization Application | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 650 Airline Regs | <input type="checkbox"/> 864 SSID Title XVI |
| <input type="checkbox"/> 892 Economic Stabilization Act | <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 403 Habeas Corpus-Alien Detainee | | <input type="checkbox"/> 660 Occupational Safety/Health | <input type="checkbox"/> 865 RSI (405(g)) |
| <input type="checkbox"/> 893 Environmental Matters | <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 405 Other Immigration Actions | | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) |
| <input type="checkbox"/> 894 Energy Allocation Act | <input type="checkbox"/> 240 Torts to Land | | | | <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
| <input type="checkbox"/> 895 Freedom of Info. Act | <input type="checkbox"/> 245 Tort Product Liability | | | | |
| <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice | <input type="checkbox"/> 290 All Other Real Property | | | | |
| <input type="checkbox"/> 950 Constitutionality of State Statutes | | | | | |

CV 11-03590 PA (JCx)

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Texas

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, California	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, California	Texas

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date April 26, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))